WATER EXCHANGE TO BE DISCUSSED

Payson City to Hold Mass Meeting to Consider Peteetneet Creek Question.

State Engineer Urges Withdrawal of Protest to McMillan-Daley Application.

City officials of Payson yesterday initiated arrangements for a mass meeting at Payson to discuss the proposal made by John B. McMillan and Arthur Daley to exchange waters of the Strawberry reservoir, constructed by the United States reclamation service, for waters of Peteetneet creek. Attendance of a representative from the office of George F. McGonagle, state engineer, was asked yesterday. Definite arrangements will probably be made on the return of C. J. Ullrich, assistant state engineer, who is familiar with the files on this matter.

The application of Mr. McMillan and Mr. Daley was the first to be made under the new state law which permits an exchange of public water. In the present instance the applicants desired to use the waters of the Peteetneet creek by diverting them to a point high up on the river. To satisfy rights to these waters already acquired and owned lower down the stream, they offered to turn water from the Strawberry reservoir on to the lands formerly using the Peteetneet water.

Exchange Protested.

Payson, through its city officials, opposed the exchange. A recent letter from Mr. McGonagle to the mayor and city council of Payson explains this protest, and also the view taken of the situation by the state engineer's office, which is that a compromise can and should be arranged to protect the city water supply of Payson, should that community find it necessary later to go for its culinary water supply to the headwaters of the Peteetneet. In any event, Mr. McGonagle holds, there is no reason why crops planted by Mr. McMillan and Mr. Daley this year should not be provided with sufficient water to mature them.

Mr. McGonagle's letter, which is in part responsible for the movement to hold a mass-meeting to discuss the question, reads in part:

"I have looked into the merits of this application and the protests against its granting very thoroughly, and have come to the conclusion that, as far as the protest of the water users of Peteetneet creek is concerned, it has not sufficient merit to warrant my rejecting the application.

Advises Compromise.

"As to the protest of Payson City, while the interests of the municipality are always considered by this office paramount to the interests of individuals, and while I would not consider granting this application if its granting will in any way jeopardize the interests of Payson City in enlarging its municipal water supply at any time in the future, yet I do think that there is some common ground upon which the applicants and the city could meet which would allow the approval of this application and still protect the city's interests.

"Mr. Daley has told me that he is willing to enter into any agreement with the city that will protect the city's interest, even to the extent of relinquishing his right to exchange the water in question should the city, later on, wish to use the Peteetneet creek water involved in the exchange for enlarging its municipal water supply. Mr. Daley is willing to have his application approved subject to any agreement that he might enter into with the city.

City's Interests Protected.

"Such an agreement, in my opinion, will amply protect the city's interests, and, personally, I see no reason why the city and the applicants should not get together on a plan of this sort. If such an agreement is entered into, a copy should be furnished this office, and I will approve the application subject to the agreement.

"I have been informed that Payson City is at the present time discharging Strawberry reservoir water into Payson creek. Inasmuch as Mr. Daley and Mr. McMillan have their land cropped and the crops are in immediate danger of burning up for lack of water, I think it no more than fair that Mr. Daley and Mr. McMillan be allowed to exchange temporarily Strawberry reservoir water for Peteetneet creek water until this matter is finally adjusted.

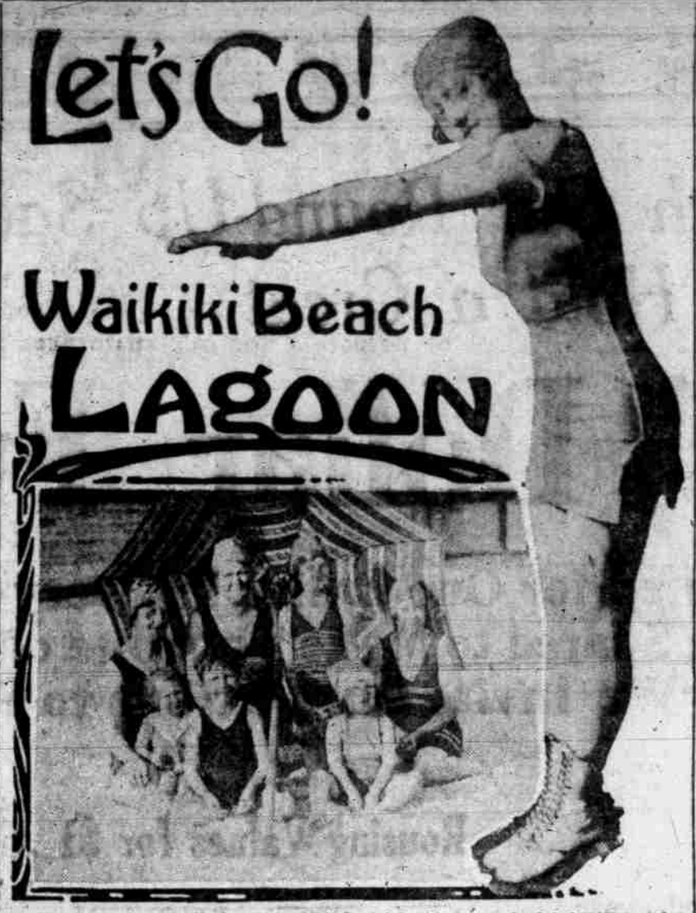
"There is another matter that I wish at this time to call attention to. That is with regard to the ownership of public waters. There seems to be an impression among many water users that they can acquire ownership to public water. All public waters are the property of the state, and an appropriator can never secure ownership to the water he diverts from a public source, but acquires only a right to its use and the extent of this right is based upon the beneficial use of the water.

State Retains Ownership.

"The state retains not only the ownership of the water, but also the ownership of the channel or stream bed in which public water flows. The state also retains the right to supervise the distribution of all public water in accordance with the various rights to its use that may have accrued, based upon the beneficial use of the water.

"The law specifically provides for the exchange of public waters and the use of a natural channel or stream for the carrying out of the exchange of water.

"Reference is made to this matter at this time, because I have been told that some of the water users of Peteetneet creek have taken the stand that all water in Peteetneet creek, as well as the creek bed, is owned by the persons who have in the past been using this water, and that they have the right to prohibit anyone from using the creek bed as a carrier for the exchange of public waters."



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Lagoon Becomes Mecca for Pleasure Seekers

Lagoon is becoming a Mecca for thousands of Salt Lake pleasure-seekers.

The paved highway now completed to Lagoon offers the motorist a delightful spin. Parking accommodations for 3000 cars at the resort assure motorists of careful attention and safety for their cars while at Lagoon, according to Manager A. C. Christensen, who is making every effort to make Lagoon the equal of any pleasure resort in the country, and with what success daily throngs who motor to Lagoon, as well as the thousands who ride out on the electric interurban trains, will testify.

At Canary cottage Grover Frankie's revue is presenting a new show this week that promises to surpass any bill so far inaugurated by this versatile company. "Around the Town" is the title of the new show, which comprises several new song and dance numbers, as well as a complete musical comedy.

Pioneers of 1847 Will Be Entertained July 24

Pioneers of 1847 will be the honor guests of the Daughters of the Utah Pioneers at an old-fashioned outing at Liberty park, July 24.

Preparations for their entertainment has been made by the Daughters of the Pioneers and the Daughters of the Mormon Battalion. Mrs. Elizabeth Hayward, president of the former, and Mrs. Olive Eardley, president of the latter, have been appointed chairmen of the entertainment committee.

It is planned to hold a reunion of all pioneers of 1847 who live in Salt Lake county. The feature of the occasion will be a home-cooked dinner.

Only one of the original band of pioneers who came to the valley of the Great Salt lake with Brigham Young is living today. He is Lorenzo Dow Young of Idaho.

Preparations are in progress for celebrations in many of the countries throughout the state.

COAL MEN ARGUE POWER CHARGES

Operators Present Their Case in Hearing Before Commission on Contracts.

That there is little if any discrimination between coal mines as to the rates charged them for power from the Utah Power & Light company under special contracts held by each was the contention yesterday of the coal mine operators in arguments presented to the public utilities commission of Utah. The principal arguments were by N. S. Crow, for the United States Smelting, Refining & Mining company interests, including the United States Fuel company coal mines, and by A. R. Barnes, representing a group of other coal companies.

The arguments come in proceedings instituted by the commission to inquire into the special contracts held by large power users, customers of the Utah Power & Light company, to determine whether those contracts are preferential and discriminatory, both as between themselves and between them and other rates charged by the company. The case is closely interwoven with the hearing on the petition of the power company for permission to increase the schedule of rates charged the power users of the state.

The coal companies contended that under the public utilities law it is necessary only for them to show that the contracts between them and the power company were adequate and reasonable at the time the contracts were signed, and that the contracts at that time were legal. The contracts were practically all signed before the utilities law came into effect in Utah. They contended that the question of whether the rates are adequate now, under the increases in costs of materials, labor and capital, is not a consideration so long as the present contracts last.

Mr. Crow contended that there were special considerations in the United States smelting contract, which the commission should bear in mind if it attempted to change the rates therein; and he also pointed out that the contract is revocable on six months' notice.

Special contracts held by steam railroads and others held by flour mills will be argued today.

Anthropologist Returns From Visit to Ute Indians

Andrew A. Kerr, Harvard instructor in anthropology, has recently returned from the Uintah reservation, where he visited the Ute Indians to collect exhibits for the University of Utah museum and for the study of the tribal sun dance.

According to Mr. Kerr, the sun dance is a religious ceremony, which commences Sunday night and ends on Thursday noon. Forty-two men danced all this time without food or water and were all dancing at the finish.

It is an annual ceremony, commencing about July 1, the purpose of which is to invoke the spirits of health. The dancers are painted and use white eagles' wings as part of their regalia. They dance about a forked pole, on one fork of which is a buffalo skull. The women do not dance, but chant in the rhythm. Drums are used to keep time. Prizes are given to the most skilled dancer. This year an 80-year-old man was awarded first place.

New Zealanders to Be Given Entertainment

This afternoon and evening at Liberty park a final celebration will take place in honor of the visiting Maoris in Salt Lake. Entertainment and receptions for the visitors have been under the auspices of the general board of the relief societies of the L. D. S. church, and this entertainment will be attended by elders and their wives and friends of the New Zealand mission.

In the earlier part of the evening it is planned to distribute, to all who desire, food cooked in a Maori oven. Later a banquet will be served in the pavilion east of the bandstand. Those desiring to attend are requested to make reservations before noon today with C. W. Birkinshaw. The banquet will be a farewell event to the visitors, who will leave for New Zealand at noon Saturday.

Nevada Mine Company Will Sell Stock in Utah

The state securities commission yesterday granted the Pershing County Mines company of Nevada permission to sell 100,000 shares of its capital stock in Utah at 25 cents, par value.

The company is organized for $250,000 capital and plans to develop the old Montezuma and Jersey mines. The application says that about fifty years ago these mines produced a total of $1,000,000 from workings not more than 100 feet deep. Old tailings dumps, as well as the property itself, will be worked, according to present plans.

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VEXED JAPANESE PROBLEM PROBED

House Immigration Committee Is in California on an Investigating Tour.

STOCKTON, Calif., July 15.—Reclamation work on the San Joaquin river delta was shown today to the immigration and naturalization committee of the house of representatives by George Shima, the leading Japanese farmer of California, as evidence that Japanese have put waste land in the state under cultivation.

Assertions were made by several witnesses at the Sacramento hearings of the committee on coast Japanese problems that the Japanese always sought out land where the agricultural possibilities already had been proved.

Entry of Japanese into such localities inevitably meant the withdrawal of Americans, according to these witnesses.

Mr. Shima, who is president of the Japanese Association of California, entertained the congressmen at dinner here tonight.

Today the legislators saw Mandeville Island, where 5400 acres in potatoes and onions were under Mr. Shim's control. He told them he had cleared away the brush and shrubs on the island so that the crops could be planted.

Next they visited Bouldin Island, where 6000 acres were growing beans and potatoes. This had been under water for several years until he reclaimed it by building levees and clearing away wild growth, their host said. He gave his total of land, owned and leased, as 11,000 acres. The committee had a glimpse of both sides of the question today at Florin, near Sacramento. The population of the locality is mostly Japanese.

From John Reese, the only American merchant in the village, they heard the story that he had been forced to abandon giving credit to Japanese because of the difficulty in collecting his bills, and had left on his books at the present time only two of their accounts, which were guaranteed by American produce firms.

Mr. Reese told them also that Japanese wives in the community who did not bear children were sent back to Japan, while for families of seven children in California a bonus was given by the Japanese government.

S. Takata, the Japanese Methodist minister, said his church roll totalled sixty-five members, forty-five of them adults and the rest children, while the local Buddhist church had only about fifty members. The construction of a new Buddhist temple four months ago caused many of the Japanese to drop away from that faith because of their belief that it was a step counter to the general Americanization tendency of the colony, according to the Rev. Takata.

Two File Applications for Water for Goats

Reinhart R. Schoenfeld of Johnson, Kane county, has filed application with the state engineer for the use of one one-hundredth of a second-foot of water from the Tom Johnson springs. This would make about half a pint a second, which, Mr. Schoenfeld considers, is sufficient for a herd of 6000 goats.

Lewis Jepson of Kanab is more liberal with his goats. He asks for the use of two-tenths of a second-foot, or twenty times as much water, with which to supply 3000 head of goats. The Jepson water, however, rises on land owned by him, according to the application, and does not flow off the quarter section.

Eugene F. Chatlin of Price asks for the use of 1.25 second-feet from Anton creek to irrigate seventy acres. He asserts that the water would otherwise be lost by evaporation and seepage and that none of it would reach Willow creek. He plans to construct a tile siphon to take the water over Summit creek.

Tony J. Leger, also of Price, asks for half a second-foot from Pole canyon and Anton creek to irrigate thirty acres.

TO CONDUCT HEARINGS AT PRICE.

Thomas E. Banning, secretary of the public utilities commission of Utah, and Fred M. Abbott, special investigator for the commission, yesterday went to to conduct a series of hearings in which automobile stage lines are the principal matters to be taken up. The petition of the Southern Utah Railroad company for permission to dismantle its lines will also be conducted.

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